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Revisiting the concept of the *planning region* in settings with dynamic spatial-temporal conditions: Lessons from land use planning in pastoral areas of Kenya, Ethiopia and Tanzania

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Key words: Land governance; Land Use Planning Units; Pastoralists; Planning Region; Scale mismatch.

Abstract

Pastoralist rangeland systems often provide prime examples of *scale mismatch*—the challenge that arises when the scale and geographic extent of decision-making institutions do not correspond to the scale and geographic extent of problems that need to be addressed. Pastoralist resource use and traditional governance systems operate at multiple levels, and are often characterized by multiple, overlapping claims, rights, and management territories. Scholarship on pastoralist systems suggests that their fuzziness, flexibility, and overlap in territories and rights mean that there is no single scale or level that is optimal for effective resource governance. These characteristics stymie attempts to implement conventional land governance systems in pastoralist areas. Land use planning represents an approach to land governance with the potential to address some of the challenges of pastoral systems, but only if the challenge of scale can be addressed. Land use planning is a process that has to be applied over a set of particular—usually clearly-defined—spaces: planning units and regions. An essential step in the land use planning process is interpreting the site to delimit the planning area and determine the appropriate planning units. This paper considers the question of how to apply the concept of a *planning region* in land use planning in pastoral settings. Land use planning interventions that make use of simplistic delineations of planning units and planning regions run the risk of fragmenting pastoral systems and compounding scale mismatch. The paper describes how frameworks for land use planning in pastoral areas now being rolled out in three different countries in East Africa address this problem. Among the strategies adopted are explicitly planning at multiple levels with cross-level linkages, and planning with multiple, overlapping kinds of planning units.

The challenges of land governance in pastoral systems

The highly variable and ephemeral nature of resources in pastoral settings compel a livelihood strategy that is flexible, responsive, and often opportunistic. Resources are often shared, willingly or unwillingly among social groups with overlapping and sometimes competing claims over land and resources. Customary pastoral governance reflects this, often being characterized by boundaries, rights, rules and social groupings that are fuzzy (not clearly defined) and flexible (easily and frequently relaxed or adjusted; Niamir-Fuller 1999, Goodhue and McCarthy 2000, Fernández-Giménez 2002). At the same time, pastoral lands are highly vulnerable to alienation, conversion to other uses, and fragmentation, and require land governance frameworks that can create secure tenure. However, mainstream approaches to strengthening land governance, by focusing on clear demarcation of boundaries and clear allocation of rights and responsibilities, tend to undermine the fuzziness and flexibility that are so essential to pastoral systems. This conundrum is known as the paradox of pastoral tenure (Fernández-Giménez 2002). A related problem is that of scale mismatch, the difficulty that results when the jurisdictional or administrative scale of decision-making does not correspond to relevant biophysical or social-ecological scales of real world problems (Cash et al. 2006). It has been suggested that pastoral rangelands are particularly prone to scale mismatch (Robinson et al. 2017, Unks et al. 2019).

Given the difficulties inherent in strengthening land governance in pastoral settings through strategies focused on clearly defined boundaries and secure tenure, alternative approaches must be considered. It has been suggested that as a tool for land governance, land use planning is particularly suited to pastoralist settings, fitting well with customary pastoralist practices (Tefera et al. 2016). Land use planning tends to

have more of a process-orientation than interventions that emphasize tenure. This is not to deny that secure land tenure is important for pastoral systems, but to argue that in these systems there is much to be gained by investing more in land use planning.

When land use planning is undertaken over large territories, an essential step in the planning process is interpreting the territory to delimit the planning area and determine the appropriate planning units. Effectively using planning regions within the land use planning process, however, requires adaptations to the unique social, political and biophysical characteristics of each setting. This paper considers the question of how to apply the concept of a *planning region* in land use planning in pastoral settings.

Critical challenges in pastoral rangelands that land use planning must consider

Multi-level and multi-scale dynamics. In pastoral communities, resource use can be understood as taking place at different levels. Customary pastoral decision-making also tends to involve multi-level processes. However, while in some places there may be effective local level institutions, often customary systems for managing resources at a large landscape scale have eroded, creating critical gaps in governance. It is also important to note that a single, hierarchical understanding of nested levels can often be too simplistic. There can be different kinds of overlapping and competing scales (Robinson et al. 2017). Different social groups can each use the same resources in different ways at different times. Institutions with different geographic mandates overlap in space in complex ways. These kinds of relationships which are both multi-level and cross-scale, should be taken into consideration in land use planning processes.

Conflict. Conflict is a recurring issue in pastoral settings. This can take the form conflict among different pastoral groups, conflict with agriculturalist communities, conflict with the state, or sometimes a combination of these. Access to and use of land can be a driver of such conflicts, but such conflicts are almost always complex, potentially involving various dimensions such as ethnicity, religion, livelihood, and political alliances. Of particular relevance to land use planning is the spatial nature of such conflicts.

Lack of reliable resource rights. The importance of rangelands to pastoralists is notoriously undervalued. State land tenure frameworks and other kinds of policies often treat these lands and underutilized, vacant land that can only be secured when it is claimed by someone for a narrow interest—for individual rather than collective benefit—for example, by fencing and/or ploughing it. When the portions of collective rangelands being alienated are critical, “linchpin” resources such as drought reserve pastures, the consequences for livestock-based livelihoods can be devastating. The lack of reliable rights also undermines attempts at sustainable resource management. Land use planning can contribute to reversing this situation.

Fuzziness, flexibility and resource sharing. As mentioned above, customary pastoralist systems tend to involve flexible institutions, and fuzzy and flexible resource boundaries and social group boundaries. These are adaptations to climates in which the variability of rainfall and forage across space and time is a key driving force. Attempts to strengthen resource rights should not undermine the essential flexibility of pastoral systems.

Land use planning in East Africa and the role for planning regions

In East Africa, for many years, state-run land use planning processes, if they happened at all, focused solely urban planning. Recently, however, frameworks for land use planning in rural areas and over larger territories have been established in Ethiopia, Kenya and Tanzania. These include woreda (district) and county level planning processes in Ethiopia and Kenya, respectively. In Tanzania there is village level land use planning, but in pastoral areas, because of livestock mobility, several villages may be grouped together for joint village land use planning at a larger scale. All three processes contribute, or at least have the potential to contribute, to improving security for common pool grazing land. In Tanzania, for instance, the joint village land use plan can result in the issuance of Certificates of Customary Rights of Occupancy (CCROs). Similarly, guidance materials for carrying out county spatial planning process in Kenya’s

pastoral areas refer to the County Spatial Plan as a means of “giving legal weight to planning that communities have already done” (Musoga et al. 2019: 11).

While land use planning has the potential to bring attention to the relationships among different pieces of land and complex dynamics within larger landscapes, no planning process can focus on all issues and all places all of the time—at some point, the overall planning process needs to be divided into smaller manageable bits. One way to do this is by dividing an overall target area into planning units or planning regions. Wannop (1995: 403) appropriately states that, “regional planning arises because of cross-boundary issues and tensions inevitable with any pattern of governance, regardless of whether or not it matches geographical regions.” A planning region therefore refers to the sub-national space/unit so delimited to show the area targeted for undertaking land use planning process. This planning region is defined depending upon the planning issues or objectives to be articulated. It offers a certain flexibility that suits quite well with the pastoral cross administrative boundaries economy.

In Kenya, the county spatial planning process explicitly envisions that a number of planning regions will be identified. Referred to as “Planning Areas”, this step involves consideration of pastoral land use and taking a landscape perspective. Identification of planning areas is to be based on considerations such as the existing customary resource management territories and institutions, pre-existing resource management systems such as inter-community grazing agreements, and pastoral mobility and patterns of regular interactions and resource sharing among different ethnic communities or other social groups. One of the recommendations in the CSP guidance materials is to consider how public participation will be conducted and the ease or difficulty of bringing communities and stakeholders together—public participation processes will become more difficult and costly if planning areas are too large.

Like interventions focused on land tenure, the use of planning regions in land use planning is also susceptible scale mismatch if applied in a way that does not take into consideration the spatial realities of livelihoods, resource use, problems and opportunities. Land use planning interventions that make use of simplistic delineations of planning units and planning regions run the risk of fragmenting pastoral systems and compounding scale mismatch.

How to conceive of planning regions in pastoral settings

From the above discussion and a reading of literature on pastoral land and resource governance and on land use planning, we propose four principles for using planning regions in land use planning processes in pastoral settings. The first is to use planning regions to overcome scale mismatch. Since much of the decision-making that affects pastoralists already takes place according to existing administrative jurisdictions such as counties or sub-counties, and other considerations such as ecosystem integrity, wildlife migration, livestock migration, and customary land planning systems are often ignored, it will make sense to delineate planning regions *not* according to administrative boundaries but instead prioritizing these other considerations when creating planning regions. However, there is no single best way to delineate planning regions. This suggests that a multi-layered approach to planning regions, in which different kinds of overlapping planning regions are used throughout the land use planning process, has much to offer. The multi-layered approach can create possibilities for planning to address issues that cut across administrative, watershed, ethnic and other boundaries, just as pastoralist mobility often cuts across these boundaries.

The second principle is to use planning regions to strengthen land governance while still embracing the flexibility of pastoral systems. Land use planning processes, while not the same as interventions directly focused on recognizing communal land tenure, nevertheless can be used to strengthen tenure rights as seen with the Tanzanian CCROs. Combining this sort of protection for land resources with the flexible, multi-layered approach to planning regions has the potential to strengthen land governance without succumbing to the paradox of pastoral tenure.

Thirdly, planning regions can be used as a tool to bring different communities and stakeholders together around shared resource use areas and conflict hotspots. This could be different pastoralist groups in conflict with each other, or pastoralists in conflict with other stakeholders such as farmers, conservation authorities,

or others. A spatial definition of a conflict “problemshed” can be used to identify a planning region through which pastoralists and other stakeholders interact to address conflicts.

The fourth principle is to use planning regions as a means of building the capacity of stakeholders to engage in spatial planning. Having at least one layer of planning regions created at a relatively small scale can help to enable multi-stakeholder participation processes that are highly interactive, creating the opportunity to generate grassroots connection to the land use planning process and strengthen trust. However, public participation should not be strictly structured according to any single delineation of planning regions. Vision setting, analysis, prioritization and other steps in the planning process within each planning region must also look beyond to neighbouring areas. This kind of participatory planning at local levels, but connected to various layers of planning at larger scales, can be a long-term investment into building capacity for planning that can eventually feed into planning at higher levels.

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